

ENVIRONMENTAL PROTECTION COMMISSION &
FLOOD AND EROSION CONTROL BOARD
SPECIAL MEETING/PUBLIC HEARING
MINUTES

December 17, 2007

7:00 P.M.

Room 119 Town Hall

Chairman Hillman called the meeting to order at 7:05 P.M. Commission Members Present: Peter Hillman, Susan Cameron, Craig Flaherty, Ellen Kirby, Alan Armstrong, and Pete Kenyon.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item.

EPC-72-2007, David and Lucy Ball, 149 Brookside Road, proposing an addition to an existing residence in the upland review area.

Mr. Ball represented himself. He said the revised plan and engineering report were submitted.

Ms. Cameron made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC #50-2007, PL Partnership, LLC, 3 Purdy Lane, proposing to subdivide the existing 2.5+/- acre property and construct four residential lots and two open space lots within the upland review area adjacent to Holly Pond.

The Commission discussed the draft resolution.

Mr. Hillman said he wanted to convey the message that there is no basis in law or science and engineering for a denial. He said the Commission is sending a message that they still do not consider the project a good idea.

Ms. Kirby and Mr. Kenyon said they are not in agreement with the resolution and do not think the erosion and sediment controls will be enough, especially if a major weather event occurs during the construction phase.

Mr. Hillman said the law does not allow the Commission to turn the project down based on just a risk.

Mr. Flaherty said he shares the concerns about the erosion risks. He said there must be good monitoring and oversight. He said other uses of the property such as a one large estate could result in similar site disturbance.

Mr. Hillman said a denial based on the record would not hold up in court.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
DECEMBER 17, 2007
PAGE 2

Mr. Hillman made a motion to approve the application. Ms. Cameron seconded the motion and it passed 4-2. Ms. Kirby and Mr. Kenyon were opposed.
Mr. Hillman read the next agenda item.

EPC-53-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing golf course improvements and mitigation measures to address a wetland violation.

The Commission discussed a draft resolution.

Ms. Cameron provided alternative language concerning the island.

Mr. Hillman said they were approving the work on the tee boxes after the fact and with substantial mitigation. He said the Commission discussed the flooding issues but they do not have any authority to require flood mitigation.

Mr. Flaherty recommended the club have a community relations committee.

Mr. Hillman made a motion to approve the application. Mr. Kenyon seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item.

EPC-39-2007, Wee Burn Country Club, 410 Hollow Tree Ridge Road, proposing water and sewer line extension within an upland review area.

Mr. Armstrong made a motion to approve the application. Ms. Cameron seconded the motion and it passed unanimously.

Mr. Hillman read the hearing item.

EPC-63-2007, Robert Dickson, Jr. 50 Deepwood Road, proposing a pool within the upland review area.

Jeff McDougal, Seymour Associates, represented the applicant. He said they revised the site plan. They reduced the width of the pool edge.

Ms. Cameron asked the distance from the patio to the wetland. Rob Frangione, P.E. said 19 feet.

Ms. Cameron said the introduction of the new pool type and filtration system responded to the Commission's concerns.

Mr. Hillman said there are distinctive features that relate to this pool which are site specific.

Matt Popp, Environmental Land Solutions, said they are proposing 3000 square feet of wetland and buffer enhancement and rain garden.

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
DECEMBER 17, 2007
PAGE 3

Mr. Hillman asked if there were any members of the public who wished to comment on the application. There were no members of the public who wished to speak.

Ms. Cameron made a motion to close the public hearing. Mr. Armstrong seconded the motion and it passed unanimously.

The Commission proceeded to deliberate on the application.

Mr. Hillman said the draft resolution should state that the current plan is a significant improvement over the earlier withdrawn application.

Mr. Flaherty said they proposed location is the only suitable location for a pool. He said it is modestly sized with minimal disturbance surrounding it.

The Commission requested staff draft a resolution of approval.

Mr. Hillman read the next agenda item.

Discussion of Draft Flood Mitigation Strategy and Draft RFP for engineering consulting services, for recommendation to the Board of Selectman.

Discussion of proposed Flood and Erosion Control Regulations.

Mr. Hillman said the next meeting of the Flood Mitigation Committee will be January 3. The Commission discussed the draft Flood Mitigation Strategy and the draft RFP for a town wide drainage plan.

The Commission will encourage the DPW to consider the need for increased funding for maintenance.

Mr. Hillman said he will communicate to the Committee and Board of Selectman that the Commission is comfortable with the mitigation strategy in concept. He will send an e-mail requesting enumeration of the proposed projects.

The Commission discussed the public comments from the hearing on the draft regulations. It was the consensus of the Commission that the ability for the Commission to require a special tax assessment are already in the statutes but there needs to be a necessary process that must be described more fully.

The Commission will request Town Counsel, Ed Schmidt, attend the January 9 meeting to discuss changes to the regulations that need to be made prior to scheduling a public hearing.

Ms. Cameron made a motion to adjourn. Mr. Kenyon seconded the motion and it passed unanimously. The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
DECEMBER 17, 2007
PAGE 4

Richard B. Jacobson
Environmental Protection Officer